

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
KEWAZINGA CORP.,	:	
Plaintiff,	:	
	:	20 Civ. 1106
-against-	:	
	:	<u>ORDER</u>
GOOGLE LLC, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference was on September 21, 2022, regarding the parties' proposed motions for summary judgment and a discovery dispute. For the reasons stated at the conference, it is hereby

ORDERED that Defendants shall produce to Plaintiff's expert Mr. Gregory Kohs (or otherwise grant him access to), all materials relied upon or mentioned in the body of the expert reports of Defendants' expert, Dr. Carol Scott, but Defendants need not produce or grant access to materials designated "Highly Confidential – Attorneys' Eyes Only" that appear only in the portion of her reports listing materials she considered. It is further

ORDERED that Plaintiff's request to preclude trial testimony from Dr. Scott regarding these documents is **DENIED** without prejudice and can be addressed in a motion in limine. It is further

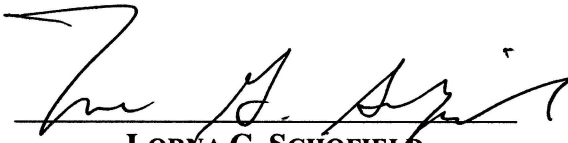
ORDERED that Plaintiff's request to strike portions of Dr. Scott's reports is **DENIED**. It is further

ORDERED that Plaintiff's request that Defendants be precluded from using deposition testimony of Mr. Kohs regarding this material is **GRANTED**. It is further

ORDERED that by September 28, 2022, the parties shall file a joint letter state whether the parties would like a referral to the assigned Magistrate Judge for settlement discussions, or

would prefer to retain their own private mediator. The parties shall wait to file motions for summary judgment until after settlement discussions have been concluded.

Dated: September 22, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE